

# SIVE | PAGET | RIESEL

**STEVEN BARSHOV**  
DIRECT DIAL: 646.378.7229  
SBARSHOV@SPRLAW.COM

August 17, 2021

BY HAND and EMAIL

Mr. Glen Gabbard  
Town Code Enforcement Officer and Building Inspector  
332 King Road  
Forestburgh, N.Y. 12777

Re: Lost Lake Development – Building Permit Application

Dear Mr. Gabbard,

As you know, Sive, Paget & Riesel represents the property owner of the Lost Lake development. You have had in your possession an application for a building permit for a lot in Phase I that was first submitted on June 24, 2021 and then re-submitted on July 30, 2021. You previously granted one building permit for a home in Phase I which remains in effect. As to the more recent building permit application, you have failed to grant or deny it. Rather, you have failed to act on it even though you are required to do so under applicable provisions of the Forestburgh Town Code and New York State Law. Put simply you are required to act on a ministerial building permit application and you have no authority under the law to ignore it.

Recently, I emailed the Town's Attorney, Javid Afzali at the Harris Beach firm, with a copy to the Town Supervisor and to you, imploring that action be taken on the building permit application. I received no response to my Memorandum from anyone. My client reached out to the Planning Board Chair to arrange a meeting and also has received no response. The Town Supervisor has been contacted and also has been unable to shed any light on what is going on.

Although it is ridiculous that I and my client are being stonewalled without reason or even the courtesy of communication, that is the reality as of this moment. Since we have exhausted every way of being solicitous and cooperative, to no avail, I have no choice but to resort to litigation.

So, please understand that if my client has not received its building permit by the close of business on August 19, 2021, litigation will be commenced against you, the Town, and any Town official that I have reason to believe has obstructed or impeded the issuance of a building permit by you. The issuance of a building permit is a ministerial duty whose responsibility is yours and yours alone. If I have reason to believe that other Town officials have interfered with the lawful exercise of your duties as building inspector and precluded or impeded you from performing your duties under the law, I will seek redress against those Town officials for denial of my client's right to due process of law.

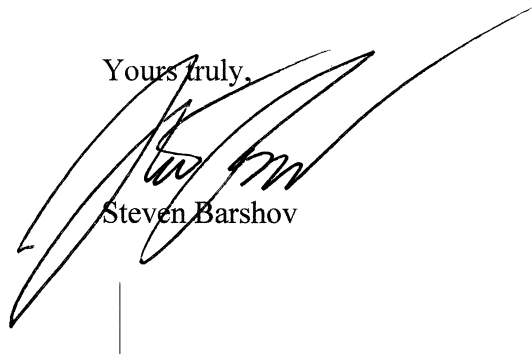
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Suing the Town is not my or my client's preference. However, at some point stonewalling must end and that point is now.

Finally, I am copying every Town Board Member and Planning Board Member, as well as the Town Supervisor and the Town Attorney. I want everyone to know in no uncertain terms that I have left no stone unturned before commencing litigation against you, the Town, and the relevant Town officials. Perhaps such communication to everyone will cause someone in the Town government to wake up and start taking this matter seriously.

If litigation is to be avoided, my client's building permit must be acted upon and issued by the close of business on August 19, 2021.

Yours truly,

A handwritten signature in black ink, appearing to read 'Steven Barshov', is written over the typed name. The signature is stylized with a large, sweeping 'S' and a distinct 'B'.

Steven Barshov

cc: Supervisor Hogue  
Forestburgh Town Board  
Forestburgh Planning Board  
Javid Afzali, Esq.  
Mordechai Halberstam  
Yehuda Miller  
Jack Gold